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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

ROBERT CRAIG ANDREW, ET AL.

CIVIL ACTION NO. 6:13CV814

VERSUS

JUDGE DOHERTY

PATTERSON MOTOR FREIGHT, INC., ET AL.

MAGISTRATE JUDGE HANNA

MEMORANDUM RULING

Currently pending before the Court is a motion for summary judgment [Doc. 31], filed by defendant EZE Trucking, LLC, whereby defendant seeks dismissal of all claims brought against it by plaintiffs, Robert Craig Andrew and Susan M. Andrew. The motion is unopposed.¹ For the following reasons, the motion is GRANTED.

This case involves a motor vehicle accident occurring on June 29, 2013 in the town of Broussard, Louisiana. [Doc. 1, ¶¶ 6, 7] According to the complaint, plaintiff Robert Andrew was injured when he was struck by a tractor-trailer operated by defendant Cecil A. French. [Id. at ¶ 7] Plaintiff alleges Mr. French “was in the course and scope of his employment with Patterson Motor Freight, Inc. and/or EZE Trucking, LLC” at the time of the collision. [Doc. 5, ¶ 3]

By way of its motion for summary judgment, EZE Trucking, LLC asserts the claims brought against it by plaintiff should be dismissed with prejudice, arguing the evidence shows Mr. French

¹The deadline for submission of a memorandum in opposition to the motion for summary judgment was February 27, 2014. [Doc. 32] On February 14, 2014, the Court granted plaintiffs’ motion for extension of time to file their response to defendant’s motion for summary judgment, extending the opposition deadline to March 13, 2014. [Doc. 34] To date, no responsive briefing has been filed. Accordingly, the motion is deemed unopposed. [Doc. 32]

was never its employee, it had no control over Mr. French's actions, it neither owned the tractor-trailer Mr. French was driving nor had any control over its use. [Doc. 31-2, p.4] In sum, defendant argues it "had absolutely no involvement with the accident at issue." [Id. at 2]

The Motion for Summary Judgment [Doc. 31], appearing to be well-founded in law and fact and being unopposed by plaintiffs, is hereby GRANTED, and all claims against defendant EZE Trucking, LLC are DISMISSED WITH PREJUDICE.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 6 day of June, 2014.



REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE